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COUNSEL TO PATRICK DAUGHERTY

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

SCOTT BYRON ELLINGTON,

Plaintiff,

v.

PATRICK DAUGHERTY,

Defendant.

Chapter 11

Case No. 19-34054 (SGJ)

Adv. No. 22-03003-sgj
*Removed from the 101st Judicial District
Court of Dallas County, Texas
Cause No. DC-22-00304*

¹ The last four digits of the Reorganized Debtor's taxpayer identification number are (8357). The headquarters and service address for the Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

**PATRICK DAUGHERTY'S WITNESS AND EXHIBIT LIST FOR HEARING
SCHEDULED FOR MARCH 29, 2022 AT 1:30 P.M.**

Patrick Daugherty, ("Daugherty") Defendant in this Adversary Proceeding No 22-03003-sgj, hereby files this Witness and Exhibit List for the hearing scheduled for March 29, 2022, at 1:30 p.m. (Central Time) in connection with *Scott Ellington's Emergency Motion to Abstain and Remand* [Dkt. No. 3] and *Patrick Daugherty's Response to Scott Ellington's Emergency Motion to Abstain and Remand* [Dkt. No. 14].

WITNESSES

Daugherty may call one or more of the following witnesses at the hearing:

1. Any witnesses called by any other party; and
2. Any witnesses necessary for impeachment, depending upon the witnesses and evidence presented by other parties.

Daugherty reserves the right to cross-examine any witness called by any other party.

EXHIBITS

Daugherty designates the following exhibits²:

EXHIBIT NUMBER	DESCRIPTION	M A R K E D	O F F E R E D	O B J E C T	A D M I T T E D
PD-1	<i>Declaration of Andrew K. York</i> [Docket No. 16, App'x 01-04]				
PD-2	Escrow Agreement between Highland Capital Management, L.P. and Abrams & Bayliss, LLP [Docket No. 16, App'x 05-010]				

² As indicated in footnote 2 of Daugherty's *Brief in Support of Response to Scott Ellington's Emergency Motion to Abstain and Remand* (Dkt. 15), Daugherty may also provide certain communications for an *in camera* inspection. Furthermore, Daugherty understands the Court has granted his *Motion for Leave to File Under Seal His Unredacted Brief in Support of Patrick Daugherty's Response to Scott Ellington's Emergency Motion to Abstain and to Remand, and Appendix Thereto* (Dkt. 17) but has not yet signed a written order evidencing the same. Daugherty reserves the right to introduce unredacted copies of any exhibit listed herein.

EXHIBIT NUMBER	DESCRIPTION	M A R K E D	O F F E R E D	O B J E C T	A D M I T T E D
PD-3	Patrick Daugherty's Pretrial Brief, <i>Patrick Daugherty v. Highland Capital Management, et. al. v. Highland Employee Retention Assets, LLC</i> , C.A. No. 2017-0488-MTZ, in the Court of Chancery of the State of Delaware. [Docket No. 16, App'x 011-087]				
PD-4	Highland Capital Management's Request for Writ of Execution, <i>Highland Capital Management v. Patrick Daugherty v. Sierra Verde, LLC et. al.</i> , Cause No. 12-04005, in the 68th District Court of Dallas County (Filed December 2, 2016). [Docket No. 16, App'x 088]				
PD-5	Highland's Release of Judgment Lien against Daugherty (recorded October 10, 2017). [Docket No. 16, App'x 089]				
PD-6	Plaintiff Highland Capital Management L.P.'s Application for Writ of Garnishment, Cause No. 12-16-15669, in the 68th District Court of Dallas County (Filed December 8, 2016). [Docket No. 16, App'x 090-0103]				
PD-7	February 14, 2017 letter to Abrams & Bayliss, LLP [Docket No. 16, App'x 0104-0105]				
PD-8	February 16, 2017, letter from Abrams & Bayliss, LLP [Docket No. 16, App'x 0106-0107]				
PD-9	Delaware Fraud Case Verified Complaint, <i>Daugherty v. Dondero et. al.</i> , Case No. 2019-0956-MTZ, in the Court of Chancery of the State of Delaware [Docket No. 16, App'x 0108-0148]				
PD-10	Screenshot during Scott Ellington's February 16, 2021 deposition. [Docket No. 16, App'x 0149]				

EXHIBIT NUMBER	DESCRIPTION	M A R K E D	O F F E R E D	O B J E C T	A D M I T T E D
PD-11	November 29, 2021, letter to the Honorable Vice Chancellor Morgan T. Zurn from Stephen Brauerman in the Delaware Fraud Case. [Docket No. 16, App'x 0150-0152]				
PD-12	December 17, 2021, letter from Tom Uebler to Vice Chancellor Zurn in the Delaware Fraud Case. [Docket No. 16, App'x 0153-0365]				
PD-13	Petition filed by Ellington in Cause No. DC-22-00304 in the 101st Judicial District of Dallas County, Texas ("State Court Action"). [Docket No. 16, App'x 0366-0410]				
PD-14	January 13, 2022, Litigation Hold letter from Michael Hurst. [Docket No. 16, App'x 0411-0416]				
PD-15	January 31, 2022, letter from Michelle Hartman to John A. Morris and Jeffrey N. Pomerantz. [Docket No. 16, App'x 0417-0419]				
PD-16	Copy of the 101st District Court of Dallas County's Hearing Docket for the week of March 21, 2022 (last visited February 17, 2022). [Docket No. 16, App'x 0420-0429]				
PD-17	Copy of the 101st District Court of Dallas County's Hearing Docket for the week of April 18, 2022 (last visited February 17, 2022). [Docket No. 16, App'x 0430-0439]				
	Any exhibits offered by any other party.				

Daugherty reserves the right to supplement or amend this Witness and Exhibit List any time prior to the hearing. This Witness and Exhibit List is not intended to limit Daugherty at the hearing or to imply that Daugherty may not seek introduction of evidence that is not on this list. Daugherty reserves the right to use any of the exhibits designated by any other party in this case.

Respectfully submitted this 25th day of March, 2022.

GRAY REED

By: /s/ Jason S. Brookner
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COUNSEL TO PATRICK DAUGHERTY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of March, 2022, he caused a true and correct copy of the foregoing pleading to be served via the Court's electronic case filing system (ECF) on all parties to this proceeding who have so-subscribed.

/s/ Jason S. Brookner
Jason S. Brookner